



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/653,486

08/31/2000

James J. Crow

MTV0017US

4808

33031 7590 08/25/2008  
CAMPBELL STEPHENSON LLP  
11401 CENTURY OAKS TERRACE  
BLDG. H, SUITE 250  
AUSTIN, TX 78758

EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

08/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/653,486	<b>Applicant(s)</b> CROW, JAMES J.	
	<b>Examiner</b> Yves Dalencourt	<b>Art Unit</b> 2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is responsive to Request for Continued Examination (RCE) filed on 08/12/2008.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: It is suggested to terminate the claim with a period. Also, the “ and “ at the end of claim 1 needs to be deleted.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (US 6,636,505; hereinafter Wang) in view of Lechleider et al (US 6,091,713; hereinafter Lechleider).

As per claim 1, Wang teaches a method of converting a personal computer for communicating information on a broadband communication network, said personal computer having a user and a physical location, comprising: determining whether said physical location falls within a set of service boundaries for said broadband communication network (checking location of client and if service is available at that

Art Unit: 2157

location; column 4, lines 53-60; column 5, lines 20-30; column 10, lines 63-67; column 11, lines 1-7); if said physical location falls within said service boundaries, electronically offering said user access to said broadband communication network (sending client offer of broadband service; column 5, lines 20-30; column 11, lines 7-35); receiving from said user an electronic order accepting said offer (user responds with an OK; column 5, lines 20-30; column 6, lines 25-32); remotely qualifying said personal computer for said broadband communication network by determining whether said personal computer meets predetermined acceptance criteria for use of said broadband communication network (checking client system for compatibility with broadband network; column 6, lines 66-67; column 7, lines 1-15, lines 33-67; column 8, lines 1- 41, lines 64-67; column 9, lines 1-11); and fulfilling said order by initiating an automation agent on said personal computer to interact with a user and thereby configure said personal computer for access to said broadband communication network (configuring client to use the broadband network column 5, lines 20-67; column 6, lines 1-65); and automatically configuring an asses of said broadband communication network to communicate with said personal computer (updating the Management Information Database of the ATM when a configuration is selected by the user; column 9, lines 23-32; column 10, lines 63-67 and column 11, lines 1-34), wherein said automatically configuring said asset is performed by an automation server of said broadband communication network (column 6, lines 46-49).

Wang discloses substantially all the limitations, but fails to specifically disclose the steps of upgrading the broadband communication network to extend broadband

Art Unit: 2157

service boundaries into a new geographic area; updating a database to include a plurality of physical locations within the new geographic area; and accessing the database to determine whether said physical location falls within the extended service boundaries for said broadband communication network.

However, Lechleider discloses the steps of upgrading the broadband communication network to extend broadband service boundaries into a new geographic area (abstract; col. 2, lines 17 – 51; col. 7, lines 24 - 47); updating a database to include a plurality of physical locations within the new geographic area (abstract; col. 2, lines 17 – 51; col. 7, lines 24 - 47); and accessing the database to determine whether said physical location falls within the extended service boundaries for said broadband communication network (abstract; col. 2, lines 17 – 51; col. 7, lines 24 - 47).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wang by providing the steps of upgrading the broadband communication network to extend broadband service boundaries into a new geographic area; updating a database to include a plurality of physical locations within the new geographic area; and accessing the database to determine whether said physical location falls within the extended service boundaries for said broadband communication network as evidenced by Lechleider for the purpose of determining the viability of deploying ADSL in entire areas by creating lists of subscribers whose subscriber loop can support ADSL, thereby allowing for efficient and ubiquitous deployment of broadband services over the existing subscriber loop plant.

As per claim 2, Wang and Lechleider disclose all the limitations in claim 1, and Wang further discloses that said broadband communication network is a DSL network (column 6, lines 4-12).

As per claim 3, Wang and Lechleider disclose all the limitations in claim 2, and Wang further discloses that said qualifying step further comprises using a narrowband modem to contact a DSL line qualification server to test a physical line outside of said broadband communication network (column 5, lines 49-65).

As per claim 4, Wang and Lechleider disclose all the limitations in claim 1, and Wang further discloses that said broadband communication network is a cable network (col. 6, lines 4 – 45).

As per claim 5, Wang, Lechleider, and Bahlmann disclose the conversion method, system and control software of claim 4, wherein qualifying step further comprises detecting a carrier signal from said broadband communication network (Wang; column 6, lines 13-33).

As per claim 6, Wang, Lechleider, and Bahlmann disclose the conversion method, system and control software of claim 5, wherein said carrier signal has a signal strength and a set of error codes, and wherein said qualifying step is based at least part upon said signal strength and said error codes (Wang column 9, lines 1-11).

As per claim 7, Wang and Lechleider disclose all the limitations in claim 1, and Wang further discloses that said user is selected for said offer based on pre-established criteria (column 5, lines 54-65).

As per claim 8, Wang, Lechleider, and Bahlmann disclose all the limitations in claim 6, and Wang further discloses that at least some of said criteria are stored in a subscriber profile database (column 9, lines 36-55).

As per claim 9, Wang and Lechleider disclose all the limitations in claim 1, and Wang further discloses that said broadband communication network is an ISDN network (the network includes a fiber optic network; column 6, lines 4-12)

As per claim 10, Wang and Lechleider disclose all the limitations in claim 1 and Wang further discloses that said broadband communication network is a wireless network (col. 6, lines 4 - 6)

Claims 11 – 20 incorporate substantially all the limitations of claims 1 – 10 with minor variations in the claimed language, in system form, rather than method form. The reasons for the rejections of claims 1 – 10 apply to claims 11 – 20. Therefore, claims 11 – 20 are rejected for the same reasons.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272 4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 17, 2008

/Yves Dalencourt/  
Primary Examiner, Art Unit 2157